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August 24, 2006

VIA ELECTRONIC FILING AND OVERNIGHT DELIVERY

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

Re: Bay State Gas Company, D.T.E. 06-36

Dear Ms. Cottrell:

Enclosed for filing, on behalf of Bay State Gas Company ("Bay State"), is Bay State's Motion for Protective Treatment for the customer-specific information contained in CONFIDENTIAL Attachment DTE 2-8, which was filed in redacted form on August 18, 2006. A single copy of the CONFIDENTIAL Attachment is being provided to the Hearing Officer in a separately sealed envelope identified by the words CONFIDENTIAL.

Please do not hesitate to contact me if you have any questions.

Very truly yours,

Patricia M. French

cc: Julie Howley Westwater, Esq., Hearing Officer
Jamie M. Tosches, Esq., Office of the Attorney General
Service List (Electronic Service per the Ground Rules)

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

BAY STATE GAS COMPANY

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D.T.E. 06-36

**MOTION OF BAY STATE GAS COMPANY
FOR PROTECTIVE TREATMENT**

NOW COMES Bay State Gas Company (“Bay State”) and respectfully requests that the Department of Telecommunications and Energy (“the Department”) grant it protection from public disclosure over certain confidential, competitively sensitive and proprietary information submitted in this proceeding and in accordance with G.L. c. 25, sec. 5D. In support of its Motion, Bay State states:

1. On March 31, 2006, Bay State initiated this proceeding in compliance with a requirement in D.T.E. 05-27 establishing Bay State’s obligation to address the issue of grandfathered overtakes on its system.
2. On June 8, 2006, the Department issued its first set of information requests of Bay State in the proceeding. As part of the requests made by the Department, the Department asked several questions seeking customer-specific information about Bay State’s grandfathered, capacity-exempt customers.
3. The Department seeks the following:
 - DTE 2-8 Provide the number of and volume for each grandfathered customer added by the Company since November 1999.

4. Bay State's response to DTE-2-8 necessarily includes confidential customer-specific information. Customer-specific information is information that is treated as confidential within the Company and not disseminated outside of the Company. Moreover, under Department precedent, customer-specific information is proprietary to the customer and only the customer has the right to indicate whether his or her information should be available to anyone else (e.g. a competitive supplier or marketer) or the public in general.

5. Bay State determined that for certain customers, redacting of names was sufficient to protect their confidentiality because such information that remained was indistinguishable. However the larger customers have unique loads and would be identifiable if the loads and locations were combined. Therefore, Bay State seeks protection for its large customer confidential response to DTE-2-8. Protection for this information is appropriate pursuant to Chapter 25, section 5D of the General Laws of Massachusetts.

5. G.L. c. 25, sec. 5D is specifically designed to protect against disclosure of competitively sensitive information. That provision, in part, provides

[T]he [D]epartment may protect from public disclosure, trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the [D]epartment shall protect only so much of the information as is necessary to meet such need.

G.L. c. 25, sec. 5D. In determining the existence and extent of such need, the Department must consider the presumption in favor of disclosure and the specific reasons why disclosure of the disputed information benefits the public interest. Berkshire Gas Co., D.P.U. 93-187/188/189/190 at 16 (1994).

6. The Department has recognized each customer's right to control dissemination of his or her account information, address, load and demand information and payment records, even when the important public policy of expanding retail competition has been in issue. Moreover, since the customer-specific information requested in DTE-2-8 pertains to very large transporting customers and is distinguishable, it is likely that dissemination of this confidential information may constitute dissemination of information that is competitively sensitive to each of those customer's marketers or suppliers as well.

7. This confidential, sensitive and proprietary information is the type of information the Department may protect from public disclosure pursuant to G.L. c. 25, sec. 5D and is the type of information that the Department has previously recognized is appropriate for protection.

WHEREFORE, Bay State Gas Company respectfully requests that the Department of Telecommunications and Energy grant its Motion for Protective Treatment as stated herein, and protect indefinitely from public disclosure the

Confidential Attachment to DTE-2-8 that contains confidential large customer-specific information.

Respectfully submitted,

BAY STATE GAS COMPANY

By its attorney,

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DATED: August 24, 2006